



10-31-03

EV337085665US

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21/4/04

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Goode, Peter A. et al

Serial No.: 09/992,681

Filed: November 19, 2001

For: DOWNHOLE MEASUREMENT
APPARATUS AND TECHNIQUE§
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§
§
§

Group Art Unit: 3672

Examiner: Dang, Hoang C.

Atty. Docket: 68.0176

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GROUP 3600

Commissioner for Patents
MAIL STOP PETITIONS
P.O. Box 1450
Alexandria, VA 22313-1450CERTIFICATE OF TRANSMISSION OR MAILING
37 C.F.R. 1.8

I hereby certify that this correspondence is being transmitted to the United States Patent and Trademark Office in accordance with 37 C.F.R. 1.6(d) or is being deposited with the U.S. Postal Service as Express Mail in an envelope addressed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA. 22313-1450, on the date below:

Express Mail Label No.:

EV 337 085 665 US

October 30, 2003

Date

Cherita Persons-Grimstead

Cherita Persons-Grimstead

Sir:

**PETITION UNDER 37 C.F.R. § 1.181
IN RESPONSE TO NOTICE OF ABANDONMENT**

This Petition is being filed in response to the Notice of Abandonment mailed on October 21, 2003. (Exhibit 1). The Notice states that the above-referenced application has been abandoned for failure to timely file a proper reply to the Office letter mailed on March 17, 2003. In view of the remarks set forth below, Applicant respectfully request withdrawal of the Notice of Abandonment and reinstatement of the above-referenced application with its original filing date of November 19, 2001.

On March 26, 2003, Applicant timely filed a response to the Office Action Summary by facsimile transmission addressed to Examiner H. Dang at the facsimile number provided in the Office Action (Exhibit 2).

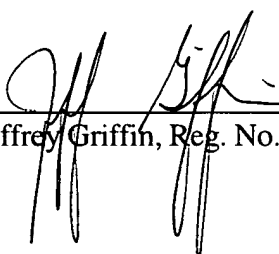
The facsimile transmission report is attached (Exhibit 3) as evidence the facsimile was transmitted and received by Group Art Unit 3600 of the Patent Office on March 26, 2003 at 12:24 pm pacific standard time.

In view of these facts, Applicant submit that the documents as described above were filed in a timely manner, so the above-referenced application was not abandoned and should not now be considered abandoned. Accordingly, it is respectfully requested that the attached documents be accepted and entered into the file for the above-referenced application. It is further respectfully requested that the Commissioner withdraw the Notice of Abandonment and reinstate the application with its original filing date.

It is not believed that any fees are required for filing this Petition due to the mistake being on the part of the Patent Office. However, the Commissioner is authorized to charge Deposit Account No. 50-0457 for any fees which may be required.

Respectfully submitted,

Date: October 30, 2003



Jeffrey Griffin, Reg. No. 36,534

Schlumberger Reservoir Completions
14910 Airline Rd.
P.O. Box 1590
Houston, Texas 77583-1590
Telephone: (281) 285-5720
Facsimile: (281) 285-5537

Exhibit 1

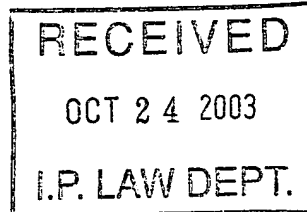


UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/992,681	11/19/2003	Peter A. Goode	68.0176	5874

7590 10/21/2003
Schlumberger Technology Corporation
Schlumberger Reservoir Completions
14910 Airline Road
P.O. Box 1590
Rosharon, TX 77583-1590



EXAMINER

DANG, HOANG C

ART UNIT	PAPER NUMBER
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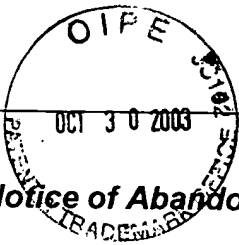
3672

DATE MAILED: 10/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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GROUP 3600

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Notice of Abandonment

Application No.

09/992,681

Examiner

Hoang Dang

Applicant(s)

GOODE ET AL.

Art Unit

3672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 17 March 2003.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

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NOV 04 2003

GROUP 3600

Hoang Dang
Primary Examiner
Art Unit: 3672

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

Exhibit 2

*** TX REPORT ***

TRANSMISSION OK

TX/RX NO	0682
CONNECTION TEL	917033053597
SUBADDRESS	
CONNECTION ID	TC 3600 USPTO
ST. TIME	03/26 12:24
USAGE T	00' 50
PGS.	2
RESULT	OK

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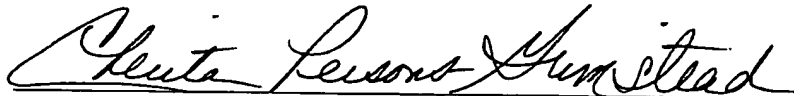
Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

To: EXAMINER H. DANG
FAX: (703) 305-3597

Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the
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on March 26, 2003
Date



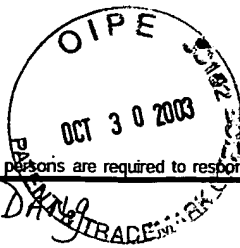
Signature

Cherita Persons-Grimstead

Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

1. Transmittal of Response to Restriction Requirement for Patent
Application Serial Number 09/992,681. [Our Ref: 68.0176US]
(2 pages)
2. Authorization to charge any fees to Deposit Account No.
50-0457.



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

To: EXAMINER H. DAVIS
FAX: (703) 305-3597

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on March 26, 2003

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Signature

Cherita Persons-Grimstead

Typed or printed name of person signing Certificate

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1. Transmittal of Response to Restriction Requirement for Patent Application Serial Number 09/992,681. [Our Ref: 68.0176US] (2 pages)
2. Authorization to charge any fees to Deposit Account No. 50-0457.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant:

GOODE, P. et al

Serial No.: 09/992,681

Filed: November 19, 2001

Title: Downhole Measurement Apparatus
And Technique

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§

Group Art No.: 3672

Examiner: Dang, H.C.

Docket No: 68.0176

Commissioner for Patents
Washington, DC 20231

RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

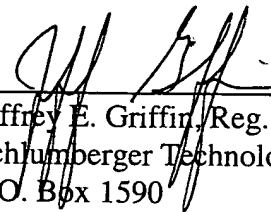
In response to the restriction requirement mailed on March 17, 2003, the Assignee elects the claims of Group I (claims 1-20, 31-56, and 61-81) and the species of Figures 2-12 without traverse. Claims within Group I and readable on the elected species are claims 1-5, 7-8, 10-15, 17-18, 20, 31-56, 61-62, 64-68, 70-78.

The Commissioner is authorized to pay any additional fees or credit any overpayment to Deposit Account No. 50-0457.

Respectfully submitted,

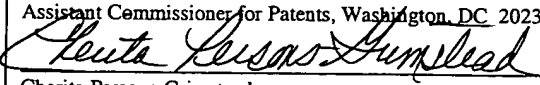
3/26/03

Date


Jeffrey E. Griffin, Reg. No. 36,534
Schlumberger Technology Corporation
P.O. Box 1590
Rosharon, TX 77459
(281) 285-5720
(281) 285-5537

Date of Deposit: 26 March 2003

I hereby certify under 37 CFR 1.6(d) that this correspondence is being facsimile transmitted on the date indicated above and is addressed to: Assistant Commissioner for Patents, Washington, DC 20231.


Cherita Persons-Grimstead

Fax No.: (703) 305-3597



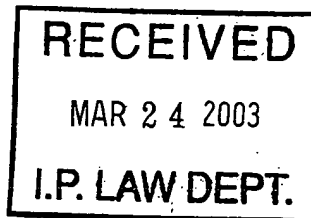
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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/992,681	11/19/2001	Peter A. Goode	68.0176	5874

7590 03/17/2003

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EXAMINER	
DANG, HOANG C	
ART UNIT	PAPER NUMBER

3672

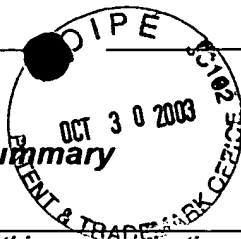
DATE MAILED: 03/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

DOCKETED ☒ UPDATED ☐
RESPONSE: Non-Final ☐ FINAL ☐
2 mos. _____ 3 mos. _____
Action(s)/Date(s): Rest. Reg.
4/17/03
XL ☐ CPA ☐ Scan ☒ By: clg

93

Office Action Summary



Application No.

09/992,681

Applicant(s)

GOODE ET AL.

Examiner

Hoang Dang

Art Unit

3672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-81 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-81 are subject to restriction and/or election requirement.

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GROUP 3600

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-20, 31-56 and 61-81, drawn to a system or method usable with a subterranean well, classified in class 166, subclass 250.001.
 - II. Claims 21-30, drawn to a resistivity tool, classified in class 324, subclass 352.
 - III. Claims 57-60, drawn to a method of establishing fluid communication between an exterior of a casing and its interior, classified in class 166, subclass 297.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and II or III are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the detailed structure of the resistivity tool (e.g., transmitter, receiver, circuit) of Group II or the piercing of the casing of Group III are not required by the combination claims (e.g., see claims 1, 11, 75, 79). The subcombination has separate utility such as a tool for measuring resistivity having no packer or/and puncher (Group II) and a method for producing a well wherein the communication between the exterior of the casing and its interior thereof is for the purpose of production.
3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification and the search required for one

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Group is not required for another Group, restriction for examination purposes as indicated is proper.

4. This application further contains claims directed to the following patentably distinct species of the claimed invention: the species of figures 2-12; the species of figures 13-14; the species of figures 13-14; the species of figure 15; the species of figures 16-17; the species of figure 18; the species of figures 20-21

Applicant is further required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claims are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the

Art Unit: 3672

examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

5. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

6. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoang Dang whose telephone number is 703-308-2149. The examiner can normally be reached on 9:15-5:45 Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Bagnell can be reached on 703-308-2151. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3597 for regular communications and 703-305-3597 for After Final communications.

Application/Control Number: 09/992,681

Page 5

Art Unit: 3672

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.

Hoang Dang
Primary Examiner
Art Unit 3672

09992681.res
March 13, 2003.

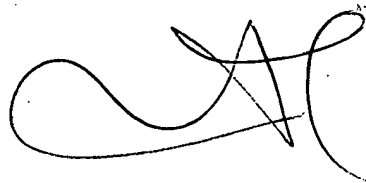
A handwritten signature in black ink, consisting of a large, stylized 'H' followed by a series of loops and a final vertical stroke.

Exhibit 3

*** TX REPORT ***

TRANSMISSION OK

TX/RX NO 0682
CONNECTION TEL 917033053597
SUBADDRESS
CONNECTION ID TC 3600 USPTO
ST. TIME 03/26 12:24
USAGE T 00'50
PGS. 2
RESULT OK

PTO/SB/97 (08-00)
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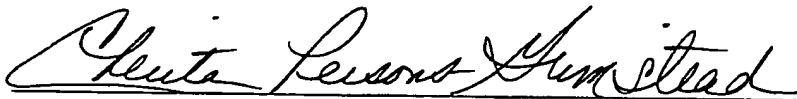
To: EXAMINER H. DANG
FAX: (703) 305-3597

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Signature

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